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09/464,021	12/15/1999	RALF UWE KRAUKLIS	5181-53800	7049

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EXAMINER
LUU, SY D

ART UNIT	PAPER NUMBER
2174	16

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/464,021	Applicant(s) KRAUKLIS, RALF UWE	
	Examiner Sy D Luu	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 March 2004 and 08 December 2003</u> .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-19</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-19</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>28 August 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>14</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   This communication is responsive to the Response and IDS, filed 3/4/04 and 12/8/03

respectively.

2.   Claims 1-19 are pending in this application. Claims 1, 7, 13 and 18 are independent

claims. This action is made Final.

3.   The Examiner acknowledged the oversight of including claim 19 in the claim rejections

of previous office actions. However, since claim 19 consists of the same limitations as recited

in claims 2, 8 or 14, and thus would have been rejected under the same rationale.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

5.   Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Pogue

(PalmPilot: The Ultimate Guide, hereinafter "PalmPilot").

As per claims 1-4 and 6, Pogue teaches a system for managing and displaying a scalable

list of items comprising: a small footprint device (fig. 1.2; page 4), a client program to

instantiate a list container object and to add list item data objects thereto, wherein a plurality of

list item renderer objects excutable to display corresponding list item data objects, and a plurality

of objects of the list item renderer object class are instantiated by the list container object,

wherein the list item renderer object class implements a "set data" method to set the list item data

object corresponding to a list item renderer object and wherein the list container object passes the

corresponding list item data objects to the "set data" method for each list item renderer object,

and wherein each of the plurality of list item renderer objects displays the corresponding list item

data object in a displayed list row corresponding to the list item renderer object (page 7, *figure*

on the right side; drop down list showing container objects such as "Main" which contains list

renderer objects such as "Address" and "Calc" having list item data objects associated

therewith, wherein an associated list item data object such as that being depicted on the right

side figure in page 5 when its associated renderer object is executed/run).

As per claim 5, Pogue teaches the list container object to maintain a start index specifying

the first list item data object currently being displayed, wherein in response to user interaction,

the list container object updates the start index and specifies an updated list item data object

corresponding to each of the plurality of list item renderer objects for display (fig. 1.2, page 4;

inherently, the list container object must update the pointer index to the first list item data object

shown on the display when a scrolling operation takes place in order to manage the display of

list item data objects properly).

Claims 7-12 are similar in scope to claims 1-6 respectively, and are therefore rejected under similar rationale.

Claims 13 and 17 combined are similar in scope to claim 1, and are therefore rejected under similar rationale.

Claims 14-16 are similar in scope to claims 2-4 respectively, and are therefore rejected under similar rationale.

Claims 18-19 are similar in scope to claims 1-2 respectively, and are therefore rejected under similar rationale.

Response to Arguments

5.   Applicants' arguments in the Response filed on 3/11/04 have been fully considered but they are not persuasive.

Applicants argued the following: there is no language in either Pogue or Wanderski/Windows NT Explorer that teaches or suggests "…wherein, in response to said list container object specifying a corresponding list item data object for each list item renderer object, each list item renderer object is executable to display the list item data object in the display device of the small footprint device," as recited in claim 1. Applicants based the arguments on the disagreement with the Examiner's characterization of: (a) Pogue's "Main" on page 7 as a container object, and "Address"/"Calc" as renderer objects; and (b) "Office" in the

left pane in Fig. 1 of MS Windows NT Explorer as a list container object and the icons on the right pane of Fig. 1 as list item renderer objects.

The Examiner agrees with Applicants that the teaching of Wanderski/MS Window NT Explorer appears to be unclear, and thus Wanderski/MS Window NT Explorer are being removed from the Office Action as applied prior art. However, regarding to Pogue's teaching, the Examiner disagrees with Applicants' arguments for the following reasons. By definition and/or interpretation that is common in the art, a container object is an object that contains/holds objects such as item data objects. According to the language of the claims, the list container object could be interpreted as a directory that contains child objects or item data objects. Furthermore, each item data object has a corresponding item renderer object, which could be interpretable as internal data that is associated with an item data object, and being used for the system to render/display the item data object.

Inquires

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(703) 305-0409**. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

SY D. LUU
PRIMARY EXAMINER